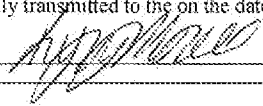


I hereby certify that this correspondence is being electronically transmitted to the on the date shown below.

Date: October 26, 2009

Signature: 

(Kym Y. Moore)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/798,739
Confirmation No.: 6427
Filing Date: March 10, 2004
Inventor(s): George D. HERMANN et al.
Title: METHOD AND DEVICE FOR USE IN MINIMALLY INVASIVE
APPROXIMATION OF MUSCLE AND OTHER TISSUE
Examiner: Melissa K. Ryckman
Group Art Unit: 3773

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patent
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


Applicant's attorney is thankful to Examiner Melissa K. Ryckman for the telephone interview of October 19, 2009. The participants of this interview included Examiner Melissa K. Ryckman and David A. Levine (Applicant's counsel).

The parties discussed the final Office Action dated May 12, 2009. The parties discussed the Williams (U.S. Patent No. 3,996,937) reference, the rejection under 35 U.S.C. 102 (b) by Williams, the independent claims 7 and 41, and also the rejected dependent claims. Complete agreement was not reached, but the examiner made suggestions to the claim language.

In the event the appropriate fee and/or petition is not filed herewith and the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with this filing to **Deposit Account No. 50-3973** referencing Attorney Docket No.

FGRTNA00602. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Levine', is written over a horizontal line.

David A. Levine
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